



December 5, 2022

**Via ECF**

Hon. Katherine Polk Failla  
United States District Court, Southern District of New York  
40 Foley Square, New York, NY 10007

**MEMO ENDORSED**

**Re: Cadet v. Alliance Nursing Staffing of New York, Inc.  
1:21-cv-03994-KPF**

*Request for Extension of Time to File Letter Motion Opposition & Referral for Mediation or A Settlement Conference*

Dear Judge Failla,

On behalf of Defendant Alliance Nursing Staffing of New York, Inc. (“Alliance”), we write to respectfully request to adjourn the deadline (Dkt. No. 52) for Alliance to file its opposition to Plaintiff’s motion to strike **from December 13 to December 30, 2022**. Plaintiff has declined to consent to our request.

We further respectfully request that this Court order a settlement conference to be scheduled with the Magistrate Judgement or, in the alternative, refer this matter to mediation so the parties can explore an early resolution of this matter.

*An Extension of Time is Warranted*

Generally, pursuant to Your Honor’s Individual Rule § 4B, a motion to strike should be properly supported by a memorandum of law that complies with this district court’s Local Rule 11.1, which generally limits the memorandum to 25 pages, double-spaced. We understand that Plaintiff, proceeding *pro se*, may not be aware of the relevant requirements. Indeed, Plaintiff’s motion to strike is styled in letter format (the “Letter Motion”), almost 30 pages in length, and not in double space. *See* Dkt. No. 50. As a result, Plaintiff’s Letter Motion is effectively well over 25 pages.

For the reason stated above, and in consideration of the upcoming holiday, we respectfully request that Alliance be allowed to have until **December 30** to file its opposition so it would have sufficient time to address Plaintiff’s arguments. This is Alliance’s first request for an extension in relation to Plaintiff’s motion to strike and an adjournment will not affect any other scheduled dates.

*The Parties Have Engaged in Settlement Discussions and Could Benefit From an Alternative Dispute Resolution*

Plaintiff first contacted our office at around 8:00 pm on December 29, 2022 to discuss her proposed revisions to Alliance’s proposed case management plan (“CMP”). Alliance therefore did

not have a chance to respond to Plaintiff's proposals before her filing a status report and her proposed CMP at close to midnight.

For the court's information, the parties have engaged in settlement communications via email. We believe an effort to reach an alternative dispute resolution at this juncture would be beneficial to both parties, and also in the interest of the judicial economy. We have reached out to Plaintiff and expressed our interest in attending a settlement conference with the Magistrate Judge or mediation through this district court's mediation program.

We thank the Court for its attention to this matter.

Respectfully,

/s/ Kevin Doherty

Kevin Doherty, Esq.

cc: Plaintiff *pro se*, Shirley Cadet (sherlycadet1@outlook.com)

The Court is in receipt of the above letter from Defendant, requesting an extension of time to respond to Plaintiff's motion to strike and seeking referral to either a magistrate judge for a settlement conference or the District's Mediation Program. (Dkt. #56). The Court **GRANTS** Defendant's request for an extension of time to file its response to the motion to strike to **December 30, 2022**. However, the above letter does not indicate whether Plaintiff consents to referral of this case to a magistrate judge or the District's Mediation Program. Accordingly, Plaintiff is hereby **ORDERED** to submit a letter to the Court noting whether she also wishes for a referral of this matter for settlement or mediation purposes by **December 7, 2022**.

The Clerk of Court is directed to terminate the pending motion at docket entry 56.

Dated: December 5, 2022  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE